

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CAROLEE HORNING,

6:11-CV-6305-PK

Plaintiff,

OPINION AND  
ORDER

v.

ROMAN CATHOLIC ARCHBISHOP OF  
PORTLAND IN OREGON,

Defendant.

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PAPAK, Magistrate Judge:

Plaintiff Carolee Horning filed this action against defendant Roman Catholic Archbishop of Portland in Oregon (the "Archbishop") on September 28, 2011. This court has jurisdiction over plaintiff's action pursuant to 28 U.S.C. § 1334(b), based on the relatedness of these proceedings to *In re Roman Catholic Archbishop of Portland ("RCAP")*, 04-37154, a case arising under Title 11 of the United States Code. Specifically, this action is subject to the future claims

trust provided for in the Third Amended and Restated Joint Plan of Reorganization (the "Plan") confirmed in *RCAP*, which, in relevant part, sets a \$20 million cap on the total funds available to pay all claims made against the Archbishop (and/or the Archdiocese of Portland in Oregon) through 2023.

Now before the court is the Archbishop's unopposed motion (#25) to approve the settlement of plaintiff's claims and to approve payment from the future claims trust. For the reasons set forth below, the motion is granted and the settlement is approved.

Plaintiff and the Archbishop underwent mediation of their dispute on May 14, 2012, resulting in an agreement providing for final settlement of Horning's claims against the Archbishop. If the parties' settlement is approved, Horning will receive \$480,000 from the future claims trust. Pursuant to section 6.4.5 of the Plan, the parties' settlement, and therefore payment to plaintiff out of the future claims trust, is subject to this court's approval.

Section 11.8 of the Plan requires that notice of any motion to approve a settlement subject to the future claims trust be served on all plaintiffs with pending or otherwise unpaid claims against the Archdiocese and Archbishop, Future Claimants Representative David A. Foraker, and Known Tort Claims Trustee and Future Claims Trustee Union Bank of California. Section 11.8 further provides that all notified parties must be provided at least 20 days (plus an additional 3 days if notice is served by mail) in which to file objections, if any, to any such motion.

On June 18, 2012, the Archbishop served the requisite notice by mail on all of the necessary parties. The period for filing objections to this court's approval of the parties' settlement lapsed July 11, 2011. No objection to this motion has been filed.


In the absence of objection by any interested party, and in consideration of the size of the

payment at issue relative to the amount remaining in the future trust fund, I find no reason exists to refuse approval of the parties' settlement. The Archbishop's motion is therefore granted, and the subject settlement approved.

### CONCLUSION

For the reasons set forth above, the motion (#25) to approve the settlement of plaintiff's claims against the Archbishop and to approve payment from the future claims trust is granted, the settlement agreed to by plaintiff and the Archbishop is approved, and payment to plaintiff of \$480,000 from the future claims trust is authorized. All pending motions are denied as moot.

Dated this 12th day of July, 2012.



Honorable Paul Papak  
United States Magistrate Judge